

**REMARKS**

In the final Office Action mailed on May 9, 2007 (paper no. 20070502), the Examiner indicated that claim 5 would be allowable if rewritten in independent form; rejected claims 1, 6, and 24-25 under 35 U.S.C. § 103(a) over U.S. Patent No. 5,021,953 to Webber et al. ("Webber") and U.S. Patent No. 5,948,040 to DeLorme et al. ("DeLorme"); rejected claim 2 under 35 U.S.C. § 103(a) over Webber, DeLorme, and U.S. Patent No. 7,092,892 to Sobalvarro et al. ("Sobalvarro"); and rejected claims 3-4 under 35 U.S.C. § 103(a) over Webber, DeLorme, Sobalvarro, and U.S. Patent No. 5,848,396 to Gerace ("Gerace").

Claims 1-6 and 24-25 are pending in this application. For the reasons discussed in detail below, applicants submit that the pending claims are in condition for allowance.

Examiner Interview

Applicants would like to thank the Examiner for the courtesy extended to applicants' representatives during the telephonic interview on Tuesday, June 5, 2007. In particular, applicants would like to thank the Examiner for the time and consideration offered by the Examiner, in addition to the Examiner's helpful suggestions. During the interview, the Examiner and applicants' representatives discussed distinctions between the pending claims and the applied references. Applicants' representatives indicated that applicants would submit after-final remarks for the Examiner's consideration.

Allowable Subject Matter

Applicants appreciate the indication in the Office Action that claim 5 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. However, as discussed in the Examiner interview and as set forth below, applicants submit that independent claim 1, from which claim 5 depends, is allowable. Accordingly, applicants have not amended claim 5 to incorporate the features of claim 1.

Applicants' Techniques

Applicants' techniques can be used for, among other benefits, increasing page views, such as at a merchant's web site. In some embodiments, applicants' techniques may promote to a particular user products or other items that are both (1) new to the user and (2) predicted to be of interest to the user. Applicants' techniques may determine whether an item is new to a user based on an availability date indicating when the item became available, such as when the item is first available for purchase. For example, applicants' techniques may determine that an item is new if its availability date is within 14 days of the present date, or is after a date on which the user last viewed product information.

Webber

Webber is directed to a travel planning system in which a user enters dates on which to travel and cities to which to travel. Webber's system proposes a list of flights that satisfy these criteria, as well as satisfying criteria based on persistent user preferences, such as the user's favorite airline type.

DeLorme

DeLorme is also directed to a travel planning system. Travel dates may be entered directly by a user, or may be retrieved from an accounting system into which the dates were entered by a different user.

Claims 1-6 and 24-26 are Patentable over Webber and DeLorme

### **Independent Claims 1 and 24**

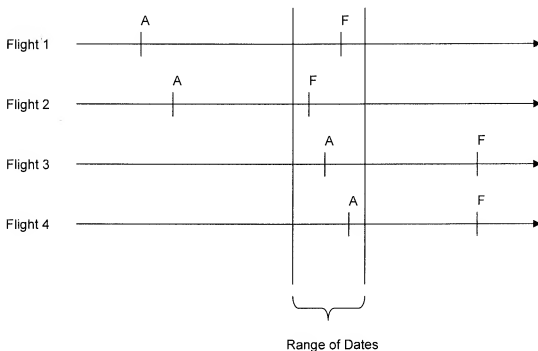
The Office Action rejected independent claims 1 and 24 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Webber in view of DeLorme. For at least the reasons set forth below, applicants traverse this rejection.

Independent claims 1 and 24 include the features of "automatically defining a range of dates, such that products whose availability dates fall within the defined range qualify as new products" where an availability date may be a date "on which a product is first available for purchase." Neither Webber nor DeLorme teaches or suggests automatically defining a range of dates, such that products that are first available for purchase within the defined date range qualify as new products. The range of dates identified by the Office Action in both Webber and DeLorme as allegedly corresponding to the recited range of dates is a range of travel dates, or dates on which a traveler will travel. (See, e.g., Office Action, May 9, 2007, p. 3; Webber 4:9-16.) There is simply no correspondence between the range of dates on which a traveler will travel and a range of dates such that products that are first available for purchase within the defined range qualify as new products. To the contrary, users in Webber and DeLorme are interested in flights that correspond to users' desired travel dates; these references contain no indication that users have any interest in the availability dates of the flights, that is, the dates on which the flights first became available for purchase. Further, the references do not teach or suggest that flights with availability dates that fall within a defined range of dates qualify as new flights.

Claims 1 and 24 are patentable over the cited art for at least the additional and independent reason that these claims recite "subsetting the inventory of products to those products having an availability date on which the product is first available for purchase falling within the defined date range." Independent claims 1 and 24 are directed to subsetting an inventory of products to those products that have an availability date that

falls within the defined date range. Neither Webber nor DeLorme teaches or suggests subsetting an inventory of products to those products that have an availability date (i.e., a date on which the product is first available for purchase) that falls within the defined date range. To the contrary, Webber and DeLorme subset a list of all flights based on whether each flight is scheduled to occur on a date that the traveler wishes to travel, without any regard for when the flight may have first become available for purchase.

The differences between applicants' techniques and the cited references are illustrated by the following example. Suppose four flights are available to a user as shown:



"A" is the availability date of each flight, i.e., the date on which the flight is first available for purchase. "F" is the flight date of each flight, i.e., the date on which the flight is scheduled to occur. The range of dates corresponds to dates on which a traveler has indicated that s/he would like to travel. In response to a user inputting the range of travel dates illustrated, the travel planning systems described by Webber and DeLorme would display

flights 1 and 2 to the user, which each allow the user to travel within the defined range of dates. The availability dates of flights 1 and 2 are not within the defined range of dates, and therefore would not be selected in accordance with applicants' claims. On the other hand, flights 3 and 4 are each first available for purchase within the defined range of dates, but neither allows the user to travel within the defined range of dates. While flights 3 and 4 would be selected in accordance with applicants' claims, the prior art references fail to disclose a travel planning system that would return flights 3 and 4. Indeed, such a system would be an extremely ineffective way to sell tickets to travelers, as flights that become available during the defined range of dates would seldom allow the user to travel within the defined range of dates. In view of these fundamental differences between these claims and the cited references, applicants respectfully request that the Examiner reconsider and withdraw this rejection.

For at least the foregoing reasons, applicants submit that independent claims 1 and 24 patently define over the combination of Webber and DeLorme. Further, dependent claims 2-6 define over the combination of Webber and DeLorme for at least the same reasons.

### **Independent Claim 25**

The Office Action rejected independent claim 25 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Webber in view of DeLorme. For at least the reasons set forth below, applicants traverse this rejection.

Independent claim 25 recites "automatically defining a range of dates, such that instances of content whose availability dates fall within the range qualify as new instances of content." Webber and DeLorme do not disclose anything more relevant to the instances of content recited in this claim than to the products recited in claims 1 and 24. Accordingly, for at least the same reasons as discussed above, neither Webber nor DeLorme teaches

or suggests automatically defining a range of dates, such that instances of content that are first available within the defined date range qualify as new instances of content.

Claim 25 is patentable over the cited art for at least the additional and independent reason that his claim recites "subsetting the inventory of content to those instances of content having an availability date on which an instance of content is first available on the web site falling within the defined date range." Webber and DeLorme do not disclose anything more relevant to the instances of content recited in this claim than to the products recited in claims 1 and 24. Accordingly, for at least the same reasons as discussed above, neither Webber nor DeLorme teaches or suggests subsetting an inventory of content to those instances of content that have an availability date (i.e., a date on which the instance of content is first available) that falls within the defined date range.

For at least the foregoing reasons, applicants submit that independent claim 25 patently defines over the combination of Webber and DeLorme.

#### **Dependent Claim 2**

The Office Action rejected dependent claim 2 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Webber in view of DeLorme and further in view of Sobalvarro. For at least the reason that dependent claim 2 contains all the features and elements of independent claim 1, applicants submit that dependent claim 2 patently defines over the combination of Webber, DeLorme, and Sobalvarro.

#### **Dependent Claims 3-4**

The Office Action rejected dependent claims 3-4 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Webber in view of DeLorme and further in view of Sobalvarro and Gerace. For at least the reason that dependent claims 3-4 each contain all the features and elements of independent claim 1, applicants submit that dependent claims 3-4 patently define over the combination of Webber, DeLorme, Sobalvarro, and Gerace.

### **Dependent Claim 6**

The Office Action rejected dependent claim 6 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Webber in view of DeLorme. For at least the reason that dependent claim 6 contains all the features and elements of independent claim 1, applicants submit that dependent claim 6 patently defines over the combination of Webber and DeLorme.

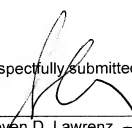
### **Conclusion**

In view of the foregoing, applicants respectfully submit that the pending claims are in condition for allowance and respectfully request a prompt notice of allowance. Further, applicants request that withdrawn claims 7-23 and 26-29 be considered as provided by 37 CFR 1.141, as each of these claims depends from an allowable generic claim.

If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-8000.

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Respectfully submitted,

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